

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

AUDREY J. MCQUAY,)	
)	
Plaintiff,)	
v.)	No. 1:04-CV-97
)	
JO ANNE B. BARNHART,)	Judge Curtis L. Collier
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

United States Magistrate Susan K. Lee filed her report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 22). Neither party filed objections within the given ten days.

After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b).

Accordingly, the Court hereby **ORDERS**:

- (1) Plaintiff's motion for reversal or remand (Court File No. 13) is **GRANTED**;
- (2) The Commissioner's motion for summary judgment (Court File No. 19) is **DENIED**; and
- (3) The Commissioner's decision denying benefits to Plaintiff is **REVERSED** and Plaintiff's case is **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE